

HOUSE No. 1139

By Mr. Kafka of Stoughton, petition of Louis L. Kafka and others for legislation to authorize self monitoring and self treatment for students with diabetes. Health Care Financing.

The Commonwealth of Massachusetts

PETITION OF:

Louis L. Kafka	Anthony J. Verga
Barbara A. L'Italian	Gloria L. Fox
John W. Scibak	Thomas P. Kennedy
John J. Binienda	Christine E. Canavan
William C. Galvin	Alice Hanlon Peisch
Michael F. Rush	James E. Timilty
Mary S. Rogeness	

In the Year Two Thousand and Seven.

AN ACT AUTHORIZING SELF MONITORING AND SELF TREATMENT FOR STUDENTS WITH DIABETES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws is hereby amended by inserting
2 in section 54B by striking out the last paragraph and replacing
3 therein the following:—
4 Notwithstanding any general or special law to the contrary, a
5 student with diabetes who attends public or private primary, elemen-
6 tary, middle or high school shall be permitted to possess and admin-
7 ister any medical supplies reasonably required to perform blood
8 glucose testing and to administer insulin and glucose or substitute, in
9 any area within or on the grounds of the school or at a school related
10 activity, at any time determined to be necessary by the student for
11 the purposes of monitoring and treating their diabetes, provided that
12 the parent or legal guardian of the student submits in writing to the
13 principal, head of the school, and the school nurse that they give
14 their permission for the student to test their blood glucose and to
15 administer insulin and glucose or substitute, certify that the student
16 agrees to take appropriate safeguards to prevent others in the school

17 from being exposed to sharps or blood, and certify, along with a
18 clinician who regularly treats the student for diabetes, that the
19 student is competent to test their blood glucose and to administer
20 insulin and glucose or substitute.

21 The Department of Education and Department of Public Health
22 shall jointly promulgate regulations, within 180 days of the passage
23 of this act, to allow for the administration of glucagon by a
24 member(s) of the school staff when a nurse is not present and the
25 student exhibits symptoms of severe hypoglycemia resulting in
26 unconsciousness or seizures, provided, that the parent or legal
27 guardian of the student submits in writing their permission for such
28 emergency treatment to be rendered; provided further that a member
29 of the school staff who, in good faith, administers glucagon to a
30 student who exhibits symptoms of severe hypoglycemia resulting in
31 unconsciousness or seizure shall not be held liable in a suit for
32 damages as a result of his acts or omissions, nor shall such person be
33 subject to any disciplinary action for such emergency aid."